2013 DRAFTING REQUEST

Senate Amendment (SA-SSA2-SB1)

Receiv	ved: 2	2/21/2013				Received By:	btradewe	
Wante	ed: A	As time pern	1its			Same as LRB:		
For:	J	lennifer Shil	ling (60	8) 266-5490		By/Representing:	Kara Pennoye	r
May C	Contact:					Drafter:	btradewe	
Subjec	et: I	Environmen	t - minin	ıg		Addl. Drafters:		
			-			Extra Copies:		
Submit via email: Requester's email: Carbon copy (CC) to: YES Sen.Shilling@legis.wisconsin.gov Beau.Stafford@legis.wisconsin.gov								
Pre T	opic:	·						
No sp	ecific pre	topic given						
Topic	:	-						
Chang	ges concer	ning conteste	ed case h	earing				
Instru	ections:							
	sted case inding pro	_	re the per	rmit decision	, eliminate	the frivolous clain	ns provision, elin	ninate
Draft	ing Histor	ry:						
Vers.	<u>Drafted</u>	Revi	ewed	<u>Typed</u>	Proofed	Submitted	<u>Jacketed</u>	Required
/?	btradewe 2/22/201		lia /2013	rschluet 2/22/2013				
/P1	btradewe 2/22/201					sbasford 2/22/2013		
/1		csici 2/22	lia /2013	jmurphy 2/22/2013		sbasford 2/22/2013	sbasford 2/22/2013	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Sena	te Amendr	nent (SA	-SSA2	-SB1)				
Receiv	ved: 2/21	/2013				Received By:	btradewe	
Wante	d: As t	ime permi	ts			Same as LRB:	,	
For:	Jen	nifer Shilli	ng (608	3) 266-5490		By/Representing:	Kara Pennoy	er
May C	Contact:					Drafter:	btradewe	
Subjec	et: Env	ironment	- minin	g		Addl. Drafters:		0
Reque	t via email: ster's email: n copy (CC)			illing@legis. tafford@leg	wisconsin.		pleases stripes t	end ohf.B.
Pre To	opic: ecific pre top	ic given						:
Topic: Chang	es concernin	g contested	case he	earing				
Contes the sta	ctions: sted case hea nding provis ng History:	_	the per	mit decision,	eliminate	the frivolous claim	ns provision, eli	minate
Vers.	Drafted	Revie	wed	Typed	Proofed	Submitted	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 2/22/2013	csicili 2/22/2	a	rschluet 2/22/2013				**
/P1		1gs	2/2	_ Qm	Self	sbasford 2/22/2013		

FE Sent For:

2013 DRAFTING REQUEST

Senate Amendment	(SA-SSA2-SB1)
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Received:

2/21/2013

Received By:

btradewe

Wanted:

As time permits

Same as LRB:

For:

Jennifer Shilling (608) 266-5490

By/Representing: Kara Pennoyer

May Contact:

Drafter:

btradewe

Subject:

Environment - mining

Addl. Drafters:

Extra Copies:

Submit via email:

YES

Requester's email:

Sen.Shilling@legis.wisconsin.gov

Carbon copy (CC) to:

Beau.Stafford@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Changes concerning contested case hearing

Instructions:

Contested case hearing before the permit decision, eliminate the frivolous claims provision, eliminate the standing provision

Drafting History:

Vers. Drafted

Reviewed

Proofed

Submitted

Jacketed-

Required

/?

btradewe

FE Sent For:

<END>



State of Misconsin 2013 - 2014 LEGISLATURE

Today

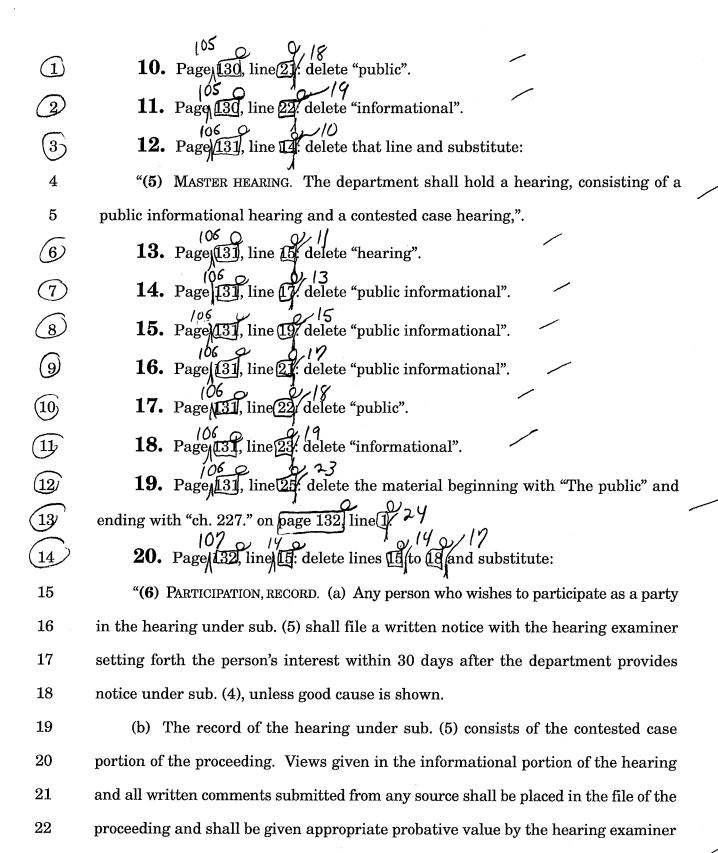
LRPa0058/1
RCT:cjs:rs

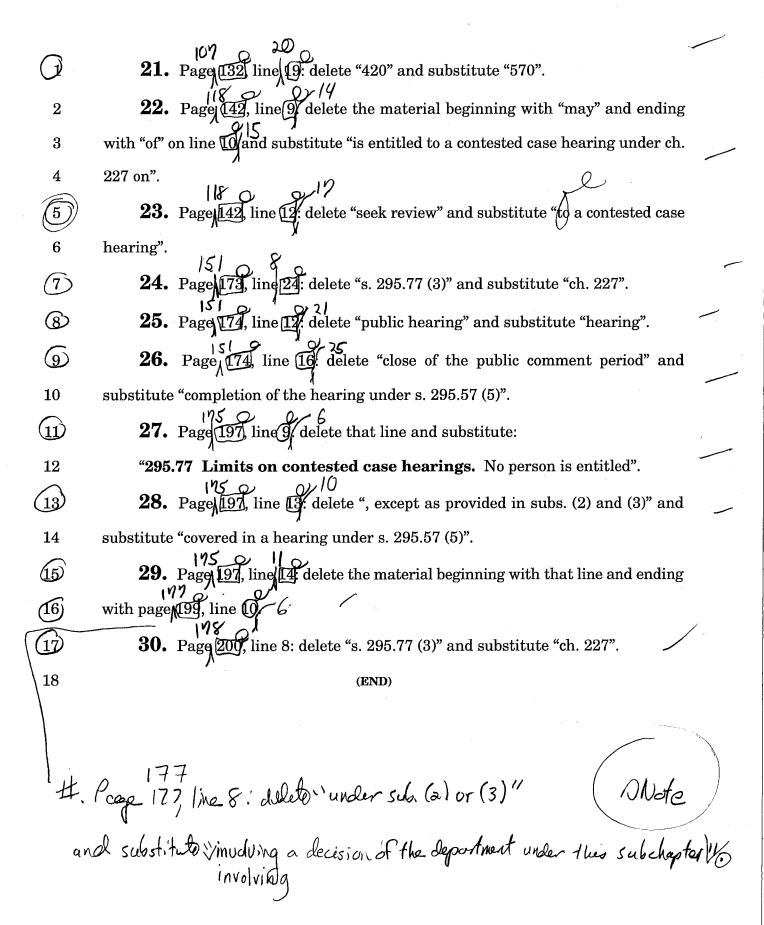
SENATE AMENDMENT 14,
To sent substitute dividence 12,
TO SENATE BILL 1

Mok

February 5, 2013 - Offered by Senators Jauch and Lehman. Page 66, line 6: delete lines 20 to 24. Vage 66, line 6: delete "420" and substitute "570". At the locations indicated, amend the bill as follows: 1. Page 100, line 21: delete "informational". 2. Page 24, line 9: delete "informational". 3. Page 24, line 11: delete "for" and substitute "concerning". 124, line 11: delete "(1) and (2)". 5. Page 26 line delete the material beginning with "20th" and ending with $\overline{7}$ "(a)" on line 10 and substitute "10th day after the date of publication of the notice 8 under s. 295.57 (4) (b)". (9)**6.** Page (129), line 12/2: delete "public informational". delete "public informational". (11)8. Page 130, line 15 delete "public informational". 9. Page 130, line 17/2 delete "public informational". 12

or decisionmaker.".





a 0122

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU LRBa0058/P1dn RCT:cjs:jf

February 4, 2013

- late.

Beau Stafford:

Under this amendment, the contested case hearing is combined with the public informational hearing (as under current law) and takes place before DNR makes its decisions on the mining permit application. The amendment extends the clearline for

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell Managing Attorney Phone: (608) 266–7290

E-mail: becky.tradewell@legis.wisconsin.gov

DNR to act on the mining permit application by 150 days to allow time for the contested case hearing. The amedment veturns to current law on who may participate in the contested case hearing and eliminate the provision in ch-227 preffered to as the frivilous claims provision.

The cost of the frivilous claims provision.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa0122/P1dn RCT:cjs:rs

February 22, 2013

Under this amendment, the contested case hearing is combined with the public informational hearing (as under current law) and takes place before DNR makes its decisions on the mining permit application. The amendment extends the deadline for DNR to act on the mining permit application by 150 days to allow time for the contested case hearing. The amendment returns to current law on who may participate in the contested case hearing and eliminates the provision in ch. 227, referred to as the frivolous claims provision.

Please contact me with any questions or redraft instructions.

Rebecca C. Tradewell Managing Attorney Phone: (608) 266–7290

E-mail: becky.tradewell@legis.wisconsin.gov

Tradewell, Becky

From:

Stafford, Beau

Sent:

Friday, February 22, 2013 1:14 PM

To:

Tradewell, Becky

Subject:

FW: Draft review: LRB a0122/P1 Topic: Changes concerning contested case hearing

Attachments:

13a0122/P1; DraftersNote1

This one looks good to jacket. Thanks for all your help today Becky!

Beau Stafford

Chief of Staff
Office of Senator John Lehman
21st Senate District
319 South
608-266-1832
Beau.stafford@legis.wisconsin.gov

From: LRB.Legal

Sent: Friday, February 22, 2013 12:52 PM

To: Stafford, Beau

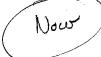
Subject: Draft review: LRB a0122/P1 Topic: Changes concerning contested case hearing

Draft Requester: Sen. Jennifer Shilling

Following is the PDF version of draft LRB a0122/P1 and drafter's note.



State of Misconsin 2013 - 2014 LEGISLATURE





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SENATE AMENDMENT,

TO SENATE SUBSTITUTE AMENDMENT 2, TO SENATE BILL 1

Himsh

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 **1.** Page 19, line 20: delete lines 20 to 24.
- 3 **2.** Page 66, line 6: delete "420" and substitute "570".
- 4 3. Page 75, line 8: delete "informational".
- 5 **4.** Page 99, line 1: delete "informational".
- **5.** Page 99, line 3: delete "for" and substitute "concerning".
- 7 **6.** Page 99, line 3: delete "(1) and (2)".
- 8 7. Page 101, line 2: delete the material beginning with "20th" and ending with
- 9 "(a)" on line 3 and substitute "10th day after the date of publication of the notice
- 10 under s. 295.57 (4) (b)".

- 1 8. Page 104, line 10: delete "public informational".
- **9.** Page 105, line 9: delete "public informational".
- **10.** Page 105, line 12: delete "public informational".
- **11.** Page 105, line 14: delete "public informational".
- **12.** Page 105, line 18: delete "public".

- **13.** Page 105, line 19: delete "informational".
 - **14.** Page 106, line 10: delete that line and substitute:
- 8 "(5) MASTER HEARING. The department shall hold a hearing, consisting of a public informational hearing and a contested case hearing,".
- **15.** Page 106, line 11: delete "hearing".
- **16.** Page 106, line 13: delete "public informational".
 - 17. Page 106, line 15: delete "public informational".
- **18.** Page 106, line 17: delete "public informational".
- **19.** Page 106, line 18: delete "public".
- **20.** Page 106, line 19: delete "informational".
- 21. Page 106, line 23: delete the material beginning with "The public" and ending with "ch. 227." on line 24.
 - **22.** Page 107, line 14: delete lines 14 to 17 and substitute:
 - "(6) Participation, record. (a) Any person who wishes to participate as a party in the hearing under sub. (5) shall file a written notice with the hearing examiner setting forth the person's interest within 30 days after the department provides notice under sub. (4), unless good cause is shown.

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(b) The record of the hearing under sub. (5) consists of the contested case
portion of the proceeding. Views given in the informational portion of the hearing
and all written comments submitted from any source shall be placed in the file of the
proceeding and shall be given appropriate probative value by the hearing examiner
or decisionmaker.".

- **23.** Page 107, line 20: delete "420" and substitute "570".
- Page 118, line 14: delete the material beginning with "may" and ending with "of" on line 15 and substitute "is entitled to a contested case hearing under ch. 227 on".
- 10 **25.** Page 118, line 17: delete "seek review" and substitute "a contested case hearing".
- 26. Page 151, line 8: delete "s. 295.77 (3)" and substitute "ch. 227".
 - 27. Page 151, line 21: delete "public hearing" and substitute "hearing".
- 28. Page 151, line 25: delete "close of the public comment period" and substitute "completion of the hearing under s. 295.57 (5)".
 - **29.** Page 175, line 6: delete that line and substitute:
- 17 "295.77 Limits on contested case hearings. No person is entitled".
- 18 **30.** Page 175, line 10: delete ", except as provided in subs. (2) and (3)" and substitute "covered in a hearing under s. 295.57 (5)".
- 20 **31.** Page 175, line 11: delete the material beginning with that line and ending with page 177, line 6.
- 22 **32.** Page 177, line 8: delete "under sub. (2) or (3)" and substitute "involving a decision of the department under this subchapter".

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33. Page 178, line 8: delete "s. 295.77 (3)" and substitute "ch. 227".

(END)